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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

TRANS 3.0-038A

In re Application of: Edward Paul Harhen, Todd Fjield, Patrick David Lopath, and David E. Acker

Application No.: 09/904,963

Filed: July 13, 2001

For: ENERGY APPLICATION WITH INFLATABLE ANNULAR LENS

The owner\*, Transurgical, Inc., of 100  
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the  
statutory term of any patent granted on the instant application, which would extend beyond the expiration date of  
the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer,  
of Prior Patent No. 6,635,054.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and  
during such period that it and the prior patent are commonly owned. This agreement runs with any patent  
granted on the instant application and is binding upon the grantee, its successors or assigns.

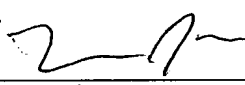
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on  
the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C.  
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Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency,  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements  
made on information and belief are believed to be true; and further that these statements were made with the  
knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,  
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the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

  
SignatureDecember 4, 2003  
DateMarcus J. Millet

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- ☒ The Commissioner is hereby authorized to charge the terminal disclaimer fee under 37 CFR 1.20(d) to  
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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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